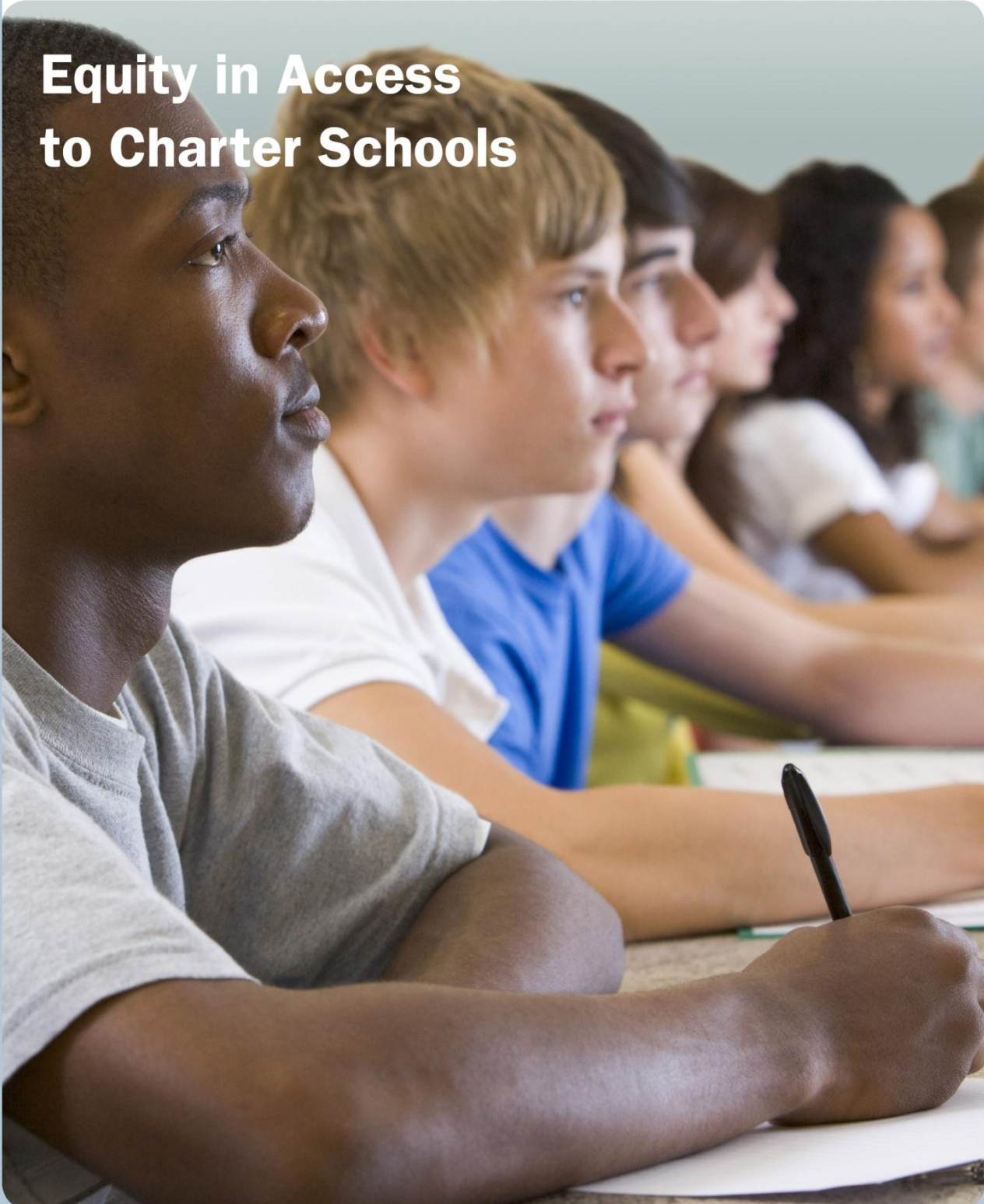


National **Charter School** **Resource** Center

.....
at LEARNING POINT ASSOCIATES

Equity in Access to Charter Schools



Contents

	Page
Introduction.....	1
Enrollment Trends: Do Charter Schools Isolate Students by Race, Income, Language, or Special Education Status?	3
Equity Implications	6
Implications for Racial and Income Segregation Within Public Schools.....	6
Implications for Charter School Access Among ELL and Special-Needs Students	7
Areas for Future Policy Research or Action	8
Conclusion	10
References	11

Introduction

Charter schools began to dot the education landscape in the 1990s (Finnigan et al., 2004), and they had an immediate impact on the education reform debate. Proponents and critics alike placed equity at the center of the debate. Although equity is generally defined as freedom from bias or favoritism, for the purposes of this brief, equity refers to unbiased access to charter schools for low-income, minority, English language learner, and special education students. In the early days of charter schools, proponents saw them as a public alternative for children historically underserved in traditional public schools. They hoped charter schools would provide low-income and minority students with the kinds of exemplary educational experiences other students receive (Hill & Lake, 2010). Critics, on the other hand, warned that charter schools would more deeply segregate already segregated student populations and possibly give sanctuary to middle-class white families who were seeking to create their own separate schools within the public system (Renzulli & Evans, 2005).

In the decades since charter schools arrived on the scene, the equity debate has persisted. Researchers, policymakers, and advocacy organizations remain divided about whether charter schools serve all students equitably. This state of affairs may be due to at least four factors, as follows:

- **Growing number of students in charter schools.** The number of students attending charter schools has increased from 349,642 students in 1999–2000 (National Alliance for Public Charter Schools, 2010b) to 1,665,779 today (National Alliance for Public Charter Schools, 2010c). While charter students represent only a small percentage of all public school students—3.4 percent according to the Alliance (2010c); 2.5 percent according to the Civil Rights Project (Frankenberg, Siegel-Hawley, & Wang, 2010)—their sheer number makes equity an ongoing challenge.
- **Expanding population of students who need to be served.** Initially, debate about equitable access to charter schools was confined to black, white, low-income, and middle-income students. Today, the perception of equitable access has broadened to include, at a minimum, these groups as well as English language learners (ELLs) and students with disabilities.
- **Unclear numbers for free or reduced-price lunch, ELL, and special education students in charter schools compared with traditional public schools.** The National Alliance for Public Charter Schools (2010a) reports that in the 2008–09 school year, 35.6 percent of charter school students received free or reduced-price lunch, compared with 43.7 percent in noncharter schools. The Alliance does not report national data on ELL or special-needs populations. Concerning ELL data, Civil Rights Project authors found that significant ELL data are missing from the federal data system (i.e., National Center for Education Statistics). Concerning special-needs students, data show that they represent approximately 10.6 percent of the charter school population, compared with 12.5 percent of the total student population (Rhim, 2008). (In the Enrollment Trends section, we offer some explanations for the unclear data. See Figure 1, which is based on 2008–09 comparative data from the National Alliance for Public Charter Schools.)

- **Recognition of charters by the federal government.** The federal government has elevated the status and profile of charters by suggesting they are an effective reform strategy. Federal competitive grants urge local districts and states to include charters in their offerings to students and parents, particularly in districts with chronically low-performing schools (U.S. Department of Education, 2009).

In this research synthesis, we examine enrollment trends in charter schools and related equity issues. We point out where there are patterns of normal and hyper (or extreme) segregation—and where the data are inconsistent to support such claims. We conclude by outlining areas for future policy research or action to address equity challenges.

Enrollment Trends: Do Charter Schools Isolate Students by Race, Income, Language, or Special Education Status?

Recent research confirms that charter schools serve more minority (most notably, African-American) students than do traditional public schools (Finnigan et al., 2004; Frankenberg et al., 2010), but this does not mean that students are more segregated in charters (Ni, 2007; Ritter, Jensen, Kisida, & McGee, 2010; Smith, 2010). Traditional public schools tend to reflect the racial makeup of the neighborhoods in which they are situated. These neighborhood public schools can be distinctly segregated. (Inner-city public schools, for example, tend to be poorer and browner—African American and Latino [Smith, 2010]—but other traditional public schools can be more distinctly white, low income or middle income.) Charters, on the other hand, can draw students from across neighborhood boundary lines and thereby have a more diverse student makeup. What the data show is that regardless of where charters *can* draw their students, they tend to look like traditional neighborhood schools, especially for African Americans (Ni, 2007).

We do not have clear data to answer the question posed: Do charter schools isolate students by race, income, language, or special education status? The data suggest that charter schools serve more low-income students and fewer students with disabilities than their traditional public school counterparts. There are conflicting reports about the percentage of ELL students served. These findings must be weighed with caution as the data upon which they are based appear incomplete and the analyses have been challenged.

By Race

A recent study by the UCLA-based Civil Rights Project argues that African Americans are more likely to experience racial isolation in charter schools than any other minority group (Frankenberg et al., 2010). The Civil Rights Project's finding of hyper-segregation by race has been repeatedly challenged (Ritter et al., 2010; Smith, 2010). The Civil Rights Project reports 70 percent of charter school black students attend segregated (90 percent to 100 percent minority student population) charters, compared with 35 percent of black students in traditional public schools. The project also reports that 43 percent of charter school black students attend hyper-segregated (99 percent minority student population) schools, compared with roughly 14 percent of black students in traditional public schools. These figures seem particularly striking considering blacks make up only one third of all charter school students (Frankenberg et al., 2010). Latino students also experience racial isolation, state the authors, although not to the same extreme as African Americans. Fifty percent of Latino charter students attend segregated schools. This is especially the case in Arizona and Texas. The Civil Rights Project found that, in Texas, 80 percent of charter school Latinos attend schools with 90 percent to 100 percent minority student population (Frankenberg et al., 2010).

Researchers challenge the Civil Rights Project's findings on methodological grounds. Critics argue that it is unfair to compare charters to multiple traditional public schools (Ritter et al., 2010; Smith, 2010). These traditional public schools may or may not have racial and income student compositions similar to the charter schools. Thus, matching charters to multiple traditional public schools gives a false comparison of student groups. More appropriate, they say, is to match charter students to the traditional neighborhood school to which they would have

been assigned. When the data are recalculated using this formula, researchers find charter and traditional schools looked demographically the same by race; there is no heightened segregation effect (Ritter et al., 2010).

By Income

The Civil Rights Project found charter schools serve more low-income students than do traditional public schools (Frankenberg et al., 2010, p. 67), but the data are too inconsistent to definitively prove this. The National Alliance for Public Charter Schools (2010a) reports a reverse finding: In 2008–09, only 35.6 percent (or 517,787) of charter students were eligible to receive free or reduced-price lunch, compared with 43.7 percent of traditional public students. One explanation for the discrepancy is that the data are incomplete. The Civil Rights Project report notes that 25 percent of charter schools did not report the number of students in their respective buildings who received free or reduced-price lunch. The authors go on to state:

[T]here is no way, from the existing federal data, to know whether or not this is simply because they have not reported this important data or because they do not offer free lunch programs, which would, of course, be a major barrier for poor families to send their children to charter schools. (Frankenberg et al., 2010, p. 63).

By Language

In a recently released study by the National Council of LaRaza, authors Lazarin and Ortiz-Licon (2010) note that Schools and Staffing Survey data estimate that 16.5 percent of charter school students are ELLs. The report's authors quickly add, "But some argue that data related to ELL charter school students are incomplete or ambiguous, and that the limited data indicate that charter schools serve fewer ELLs than local districts" (Lazarin & Ortiz-Licon, 2010, p. 5).

By Special Education Status

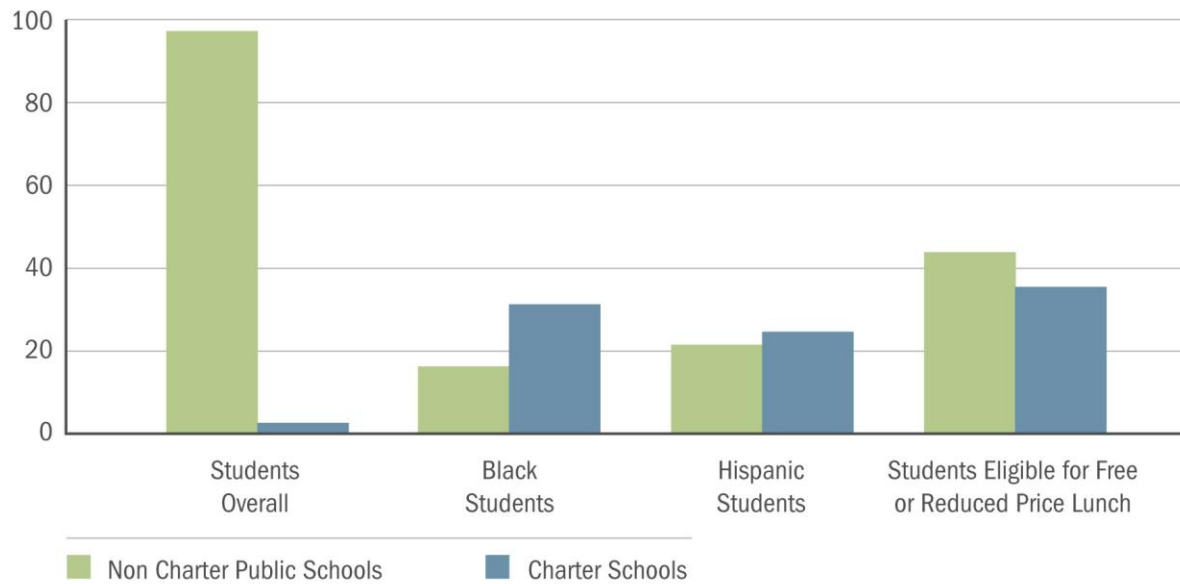
Finnegan et al. (2004) found that charter schools tend to serve fewer special-needs students than traditional public schools. In the 1999–2000 school year, 9 percent of students in charters were special needs, compared with 12 percent of students in traditional schools.

By Geography

More than half of charter students attend charters in just five states: California, Michigan, Arizona, Florida, and Ohio (Frankenberg et al., 2010). Metropolitan areas with the most charter students are in the industrial Midwest, Arizona, and Colorado (Frankenberg et al., 2010). Charters are concentrated in urban areas (Lake, 2010a). Taken together, the enrollment data by geography indicate that students in many areas of the country are without access to charter schools.

Figure 1 compares charter school and noncharter public school student enrollment in terms of overall percentages, as well as percentages of black, Hispanic, and low-income students in charters and noncharters.

Figure 1. Charter and Noncharter Student Enrollment (2008–09 Percentages)



Source: 2008–2009 Dashboard of the National Alliance for Public Charter Schools (<http://www.publiccharters.org/dashboard/students>). The Alliance does not report national data for ELL and special education status.

Equity Implications

In the previous section, we synthesized the research on whether charter schools isolate students by race, income, language, or special education status. In this section, we look at competing explanations for the data findings, and philosophical and legal implications for students. Our questions here are as follows: If charter schools do disproportionately serve more low-income and minority students than traditional public schools, what are the philosophical and legal implications for students? If charter schools serve fewer ELL and special-needs students, what might account for the inconsistent numbers and what are the moral and legal implications for students?

Implications for Racial and Income Segregation Within Public Schools

The 1954 Supreme Court ruling in *Brown v. Board of Education* struck down separate but equal education systems within public schools and required public school systems to desegregate. As has been noted, however, public schools remain largely representative of the neighborhoods they serve. Inner-city public schools, in particular, tend to serve African-American and Latino students—the largest groups living in inner-city neighborhoods.

Critics contend that charter schools do little to bring about racial desegregation and may even exacerbate the condition by further isolating African-American students within their neighborhood school boundaries (Lawyers Committee for Civil Rights under Law et al., 2010). Although there is no evidence that charter admissions processes deliberately discriminate against certain groups, some observers hold that in a globally diverse community, society is morally obligated to ensure students attend schools with a diverse student population (Petrilli, 2009).

Even so, for many, achievement trumps diversity (Petrilli, 2009). A number of charter schools (consider the Knowledge Is Power Program [KIPP]) have been particularly successful at raising test scores among inner-city students who were not achieving well in their traditional public school settings (Petrilli, 2009). KIPP schools look very much like neighborhood public schools in that they are seldom racially diverse. KIPP and other high-performing charter schools have been recognized by both the federal government and media, specifically for their effectiveness with lower achieving, low-income, and minority students. (To be sure, there are a number of charter schools that demonstrate not only high achievement for low-income and minority students but also racially and economically diverse student populations. For examples, see the Areas for Future Policy Research or Action section.)

As public schools, charters receive federal funds and are subject to the same rules and regulations as all other public schools. Discrimination against minority, nonnative English speakers, and special education students violates federal civil rights law (see Title VI of the 1964 Civil Rights Act that prohibits discrimination based on race, color, and national origin; the 1974 U.S. Supreme Court *Lau v. Nichols* ruling that prohibits discrimination against ELLs [Firelight Media, 2004]; the Individual with Disabilities Education Act; the Americans with Disabilities Act; the Elementary and Secondary Education Act; and Section 504 of the Rehabilitation Act of 1973 [Mead, 2008]). For many, however, the diversity goal is a double standard because most neighborhood public schools also fail to meet the diversity challenge (Hill & Lake, 2010).

Charters, advocates contend, should not be punished for effectively educating poor and minority students, especially when poor and minority students have fewer options to experience educational success than their more privileged, nonwhite peers. Hill and Lake (2010) also believe that as charter schools demonstrate high graduation and college acceptance rates, they will attract a more diverse student population.

Implications for Charter School Access Among ELL and Special-Needs Students

Researchers have found that charter schools appear to enroll fewer ELL and special-needs students than do traditional public schools. But what might account for the seeming mismatch? ELL students tend to perform less well on standardized tests and require additional instructional resources (Abt Associates, 2010). Hence, fewer ELL students in charter schools may translate into higher test scores and thus decreased likelihood of being shut down. An alternative explanation is that charter schools simply do not offer strong ELL programs to the degree that traditional public schools do. Hence, ELL students do not enroll in charters in large numbers because their specific needs cannot be addressed. Equitable access to funding is needed to ensure that charters have the resources needed to serve special populations, including ELL students (Lazarin & Ortiz-Licon, 2010). At a recent presentation before the National Alliance for Public Charter Schools, U.S. Secretary of Education Arne Duncan urged charters that are effective at teaching ELL students to “step up” and enroll more ELL students (Duncan, 2010). He emphasized that charter school leadership would go far to silence the claim that charters intentionally skim better performing students if they were to offer high-quality services to more ELL students.

For special-needs students, some contend that the root problem is not their underrepresentation in charter schools but their overrepresentation, especially among minority youth, in traditional public schools (Klingner et al., 2005). Charter schools tend to label students less frequently as special needs, which may account for the relative depressed percentage of special-needs students in charter schools. For the special-needs students charter schools serve, however, evidence suggests charters are doing an especially good job (Lake, 2010b). Charter schools have been applauded for serving special-needs students with limited disabilities in the least restrictive environment, offering individualized education plans to all students, and promoting strong instruction above the students’ individualized education programs (Lake, 2010b).

Areas for Future Policy Research or Action

Charter schools pose a number of intriguing opportunities for future policy research and action. Relevant to this research synthesis are (1) the need for better enforced legislation to ensure that charters collect and report demographic data on par with traditional public schools; (2) the need for explicit guidance about federal and state requirements for public school service to minority, low-income, special-needs, and ELL students; and (3) the need for analysis of the effects of various models to support equity in charter schools. This section discusses these three areas, as follows:

- **Link Enrollment and Outcomes Data.** Currently, charter schools fall short of the goal of collecting and reporting demographic data on such key indicators as the number of students receiving free or reduced-price lunch, number of students receiving special education services, and number of students coded for ELL services. Good, consistent demographic data are needed to conduct comparative analyses across student populations and across charter and traditional school settings. Equally important, we cannot make definitive claims about the effectiveness of charters on student outcomes within subgroups unless we have a robust data set for students attending charter schools (Frankenberg et al., 2010).
- **Make Clear Federal and State Requirements for Equity in Charter Schools.** A review of charter school contracts shows inconsistent and weak policy guidelines for charter service to minority, low-income, ELL, and special-needs students (Lawyers Committee for Civil Rights under Law et. al., 2010; Rhim, 2008). This situation is compounded by federal, state, and some foundation competitive grant guidelines, which often reward districts for serving racially and economically disadvantaged students (Petrilli, 2009), thus stacking the deck for charters to enroll low-income, underrepresented minorities. Some advocate that states should assume a more definitive role in establishing guidelines and overseeing compliance with federal and state regulations (Lake, 2010b). Charters, they contend, should be encouraged and rewarded for ensuring diversity (Ni, 2007). Some further advocate for state charter school authorizers to deny or revoke a charter management organization's license if the charter school cannot show how it meets federal requirements for equity among special groups (Frankenberg et al., 2010).
- **Conduct Studies of the Effects of Equity-Supporting Models in Charter Schools.** A number of models have been implemented to support equity in charter schools. A legal remedy known as siting (i.e., selecting particular sites for schools) allows for charter establishment in an area that will likely draw more diverse students (Frankenberg et al., 2010). ZIP code and other lottery models also have promoted racial and economic diversity. These models have been implemented heavily for magnet school admission but sparingly among charters. The Denver School of Science and Technology (DSST) and San Diego's High Tech High (HTH) offer two examples. Both are leaders in charter success, not only for their student diversity but also for their educational offerings (Petrilli, 2009). And yet, to maintain that diversity, each has had to make tough choices—diversity over federal charter startup funds. The federal government prohibits the release of startup funds to charters that use anything other than a standard lottery process (Petrilli, 2009). In heavily segregated communities, a standard lottery only increases the probability of diversity; it cannot guarantee it. DDST permits low-income students to enter an admissions lottery wholly separate from all other students, which ensures a certain number of slots for low-income

students (Petrilli, 2009). HTH applies a weighted lottery system whereby every ZIP code receives a certain number of admissions slot (Petrilli, 2010). This practice, too, guards against continued stratification by race, ethnicity, or income.

More definitive studies about the effects of equity-supporting models might persuade federal lawmakers to revise the federal law, thus opening the door for scaleup of DSST, HTH, and other successful charter models. Such action may prove especially helpful in meeting Secretary Duncan's recommendation to increase the number of charters effective in serving ELL and special-needs students.

Increasing diversity also must include a commitment to promote charter options among inner-city, low-income, and minority parents. Simple strategies such as making low-income parents aware of charter options beyond their neighborhood boundaries and providing transportation will advance diversity solutions (Hill & Lake, 2010).

Conclusion

In the 20 years of charter school growth, equity issues have remained a central theme. The Obama administration's support of high-performing charters as part of the education reform equation has heightened the visibility of charters and reignited challenges of segregation and thwarted educational opportunities for some populations. Weak data collection and vague federal and state guidelines have prevented scholars, policymakers, and educators from addressing some of our most pressing questions about equity in access to charter schools. However, a number of models and policy options hold promise for resolving the debate.

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